

SENATE BILL REPORT

HB 2584

As of February 22, 2002

Title: An act relating to leases for personal wireless communication facilities.

Brief Description: Exempting land leases for personal wireless communication facilities from the subdivision act.

Sponsors: Representatives Reardon, Crouse, Morris, Delvin, Ruderman, Anderson, Berkey, Linville, Schindler and Esser.

Brief History:

Committee Activity: Economic Development & Telecommunications: 2/26/02.

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT & TELECOMMUNICATIONS

Staff: William Bridges (786-7424)

Background: The location of personal wireless services facilities, such as cellular towers, is generally governed by local zoning ordinances. In most cases, wireless companies apply for building permits or conditional use permits and then construct their facilities on leased property.

The state Subdivision Act and supplemental local ordinances govern many divisions of property by sale, lease, or transfer of ownership. The Subdivision Act requires that property divisions be accomplished by "plats," which are detailed maps that show the new parcels along with such things as streets, alleys, and parks. The Subdivision Act has seven exceptions:

- Property divisions for cemeteries and burial plots.
- Certain property divisions of five acres or larger.
- Property divisions by will or inheritance.
- Certain property divisions for industrial or commercial use.
- Certain property divisions by lease when no residential structures other than mobile homes or trailers will be placed on the land.
- Certain property divisions to adjust boundaries.
- Certain property divisions to develop condominiums under the Condominium Act.

Because the Subdivision Act covers property leases, some local governments require wireless companies to use the platting process for the siting of wireless facilities. Some companies assert that the Subdivision Act should not apply to leases for wireless facilities. Therefore, they seek to add an exception to the Subdivision Act for leases used for the placement of personal wireless facilities.

Summary of Bill: An exception is added to the Subdivision Act for property leases for personal wireless services facilities. "Personal wireless services" are any federally licensed personal wireless services. "Facilities" are unstaffed facilities that are used for the transmission or reception, or both, of wireless communication services including antenna arrays, transmission cables, equipment shelters, and support structures.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.